

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-20 and 24-25 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-10 will be pending for further consideration and examination in the application.

Withdrawn claim 3 and 6-10 were amended together with elected claims 1-3 and 4-5 given that withdrawn claims 3 and 6-10 depend from base independent claim 1 and would be allowable in the event that base independent claim 1 becomes allowable.

SECTION 9 REJECTION UNDER NON-ENABLEMENT

Claims 1, 2, 4 and 5 have been rejected under 35 USC 112, 1st para. as lacking enablement, i.e., for the concerns listed within the section numbered "9" beginning on page 6 of the Office Action. Traversal is appropriate. More particularly, as stated in **MPEP 2164.02** entitled "Working Example":

“A single working example in the specification for a claimed invention is enough to preclude a rejection which states that nothing is enabled since at least that embodiment would be enabled.”

Applicant respectfully submits that at least one working example is disclosed within Applicant’s original specification, i.e., see Applicant’s **FIG. 5** and corresponding specification description set forth beginning in the paragraph spanning **pages 11-12** of the original specification. Beyond traversal, it is respectfully noted that ones of the rejected claims has been amended to add further clarity to such claims. Based upon the foregoing, reconsideration and withdrawal of the '112, 1st para. rejection of the above-referenced claims are respectfully requested.

SECTION 10 REJECTION UNDER WRITTEN DESCRIPTION

Claims 1, 2, 4 and 5 have been rejected, under 35 USC '112, first paragraph, for the concerns listed within section “10” beginning on page 2 of the Office Action.

Traversal is appropriate, but such rejection has been rendered obsolete by the present clarification of the rejected claim(s). Applicant notes that “written description” support for the present clarification of the rejected claims may be found, for example, in **FIG. 4 (see especially large rectangular text box)**. Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection are respectfully requested.

The above action or statements should not be taken as an indication or admission that the objection or rejection was valid, but may merely be use of claim amendment or claim cancellation (without prejudice or disclaimer) to lessen a number of existing issues to obtain a patent as quickly as possible. Further discussions/arguments concerning such rejection(s) and disputed claim language are left for the future

if/when appropriate (e.g., should such disputed text or canceled claim(s) be resubmitted by Applicant within this, or a differing, application).

SECTION 11 REJECTION UNDER ENABLEMENT

Claims 1, 2, 4 and 5 have been rejected, under 35 USC '112, first paragraph, for the concerns listed within section "11" beginning on page 2 of the Office Action.

Traversal is appropriate, but such rejection has been rendered obsolete by the present clarification of the rejected claim(s). Applicant notes that "enablement" support for the present clarification of the rejected claims may be found, for example, in **FIG. 4 (see especially large rectangular text box)**. Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection are respectfully requested.

The above action or statements should not be taken as an indication or admission that the objection or rejection was valid, but may merely be use of claim amendment or claim cancellation (without prejudice or disclaimer) to lessen a number of existing issues to obtain a patent as quickly as possible. Further discussions/arguments concerning such rejection(s) and disputed claim language are left for the future if/when appropriate (e.g., should such disputed text or canceled claim(s) be resubmitted by Applicant within this, or a differing, application).

REJECTION UNDER '112, 2ND PAR. OBLIVIATED VIA CLAIM AMENDMENT

Claims 1, 2, 4 and 5 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed within the section numbered 15-31 on pages 9-16 of the Office Action. Applicant's claims have been carefully reviewed and carefully amended where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that none of the remaining claims has been rejected on a basis of prior art, and in view of the fact that amendments or cancellations have been made to address/obviate all non-art objections/rejections, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 503.39221CX1) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Paul J. Skwierawski/
Paul J. Skwierawski
Registration No. 32,173

PJS/slk
(703) 312-6600